

RESOLUTION NO. CZAB10-24-09

WHEREAS, LINDMARC DEVELOPMENT L. L. C. applied for the following:

- (1) RU-3B and BU-2 to BU-2
- (2) SPECIAL EXCEPTION to permit a self-storage facility.
- (3) Applicant is requesting to permit a floor area ratio of 2.22 (1.17 maximum permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Storage Building for Lindmarc Dev. LLC," as prepared by Robert Wade and Associates, consisting of 15 sheets dated stamped received 11/17/08, Sheets "A-1," "F-1", "A-2" and L-1 dated last revised 12/19/08. Plans may be modified at public hearing.

SUBJECT PROPERTY: Beginning 35' north and 462' west of the southeast corner of the SE ¼ of the SW ¼ of the SW ¼ of the north 188' of the east 33' of the south 25' of the east 33' of the north 270' of the west 132' of the south 433' of the east 66' to the Point of beginning and the north 24.99' of the west 32.99' of Tract "A" of Plat book 106, Page 96, all in Section 15, Township 54 South, Range 40 East.

LOCATION: 8477 S.W. 40 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, entitled "Storage Building for LINDMARC DEV., LLC" prepared by Robert Wade and Associates, P.A., consisting of fifteen (15) sheets dated stamped received 05/08/2009, except for Page A-9. which is dated stamped received 07/07/2009, said plans being on file with the Miami-Dade County Department of Planning and Zoning, said modified plans made a part of this agreement by reference.
2. That notwithstanding the approval of the Application or the proposed BU-2 zoning classification for the Property, the use of the Property shall be restricted to a self-storage facility and related retail uses.

3. That notwithstanding the approval of the Application or the proposed BU-2 zoning classification, the following specific uses are expressly prohibited:

- i. Tattoo parlor;
- ii. Massage or Bath parlor;
- iii. Adult video store;
- iv. Adult book store;
- v. Adult entertainment facility; and
- vi. Pool halls.

4. Site Development and Operations.

- a. That the hours of operation at the self-storage facility shall be limited to no earlier than 7:00 a.m. and no later than 10:00 p.m.
- b. That commercial mural signs shall be expressly prohibited.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-2 (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requested special exception to permit a self-storage facility (Item #2) and the request to permit a floor area ratio of 2.22 (Item #3) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception (Item #2) would not have an adverse impact upon the public interest and

should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions and approve Items #1, 2, and 3 was offered by Carlos A. Manrique, seconded by Jose Garrido, and upon a poll of the members present the vote was as follows:

George A. Alvarez	aye	Jose Garrido	aye
Jorge Barbontin	aye	Carlos A. Manrique	aye
		Ruben Pol III	aye
Julio R. Caceres	aye		

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10, that the requested district boundary change to BU-2 (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the requested special exception to permit a self-storage facility (Item #2) and the request to permit a floor area ratio of 2.22 (Item #3) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit; said plan to include among other things but not be limited thereto, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted, entitled "Storage Building for LINDMARC DEV., LLC" prepared by Robert Wade and Associates, P.A., consisting of fifteen (15) sheets dated stamped received 05/08/2009, except for Page A-9. which is dated stamped received 07/07/2009, said plans being on file with the Miami-Dade County Department of Planning and Zoning. More specifically that the applicant adheres to the elevations presented on the plans and include that the six top windows shown on the front elevations be lit until midnight and that a clock be installed on the top portion of the front of the building below the six windows. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action
3. That the use be established and maintained in accordance with the approved plan.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 17th day of June, 2009.

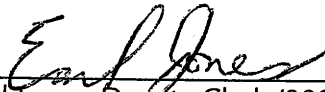
Hearing No. 09-4-CZ10-2
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STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 10, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB10-24-09 adopted by said Community Zoning Appeals Board at its meeting held on the 17th day of June, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 14th day of July, 2009.



Earl Jones, Deputy Clerk (3230)

Miami-Dade County Department of Planning and Zoning

SEAL

